

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ROBERT LILLBURN NELSON, III,
Plaintiff,

v.
UNITED STATES GOVERNMENT,
Defendant.

Case No. 3:22-cv-00405-MMD-CSD

ORDER

Pro se Plaintiff Robert Lillburn Nelson, III, brings this action against Defendant United States Government. (ECF No. 1-1.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney (ECF No. 4), recommending that the Court grant Nelson’s application to proceed *in forma pauperis* (ECF No. 1 (“IFP Application”)), and dismiss this action with prejudice. Nelson’s objection to the R&R was due October 4, 2022. To date, no objection has been filed.¹ For this reason, and as explained below, the Court adopts the R&R in full.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the

¹The Clerk of Court sent a copy of Judge Denney’s R&R to Nelson, but the mail was returned as undeliverable. (ECF No. 5.) It appears that Nelson visited the Clerk’s Office on September 29, 2022, and the Clerk informed him that the mail was returned and provided him a physical copy of the R&R.

findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

Because there was no objection to the R&R, the Court need not conduct de novo review, and is satisfied that Judge Denney did not clearly err. To start, Nelson’s IFP Application will be granted because it shows that Nelson is unable to pay the filing fee. (ECF No. 1.) See 28 U.S.C. § 1915(a)(1). Next, Judge Denney correctly found that Nelson’s case should be dismissed because the Complaint is frivolous and fails to state a claim upon which relief can be granted. (ECF No. 4 at 3-4.) See *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). Thus, the Court adopts the R&R in full. (ECF No. 4.)

It is therefore ordered that Judge Denney’s Report and Recommendation (ECF No. 4) is accepted and adopted in full.

It is further ordered that Nelson’s IFP Application (ECF No. 1) is granted.

The Clerk of Court is directed to file the Complaint (ECF No. 1-1).

It is further ordered that this case is dismissed with prejudice, as amendment is futile.

The Clerk of Court is directed to enter judgment accordingly and close this case.

DATED THIS 12th Day of October 2022.


MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE